

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

FILED

July 28, 2023

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA

BY: NM
DEPUTY

V.

SA:22-CR-00367-OLG-ESC

(2) JUAN CLAUDIO D'LUNA-MENDEZ

ORDER

This case is before the Court on Defendant's Motion to Dismiss Indictment. (*See* Dkt. No. 55.) Pursuant to 28 U.S.C. § 636, United States Magistrate Judge Elizabeth S. Chestney issued a report and recommendation (R&R) with respect to Defendant's motion to dismiss. (Dkt. No. 95, July 13, 2023.) Defendant, through counsel, was served with a copy of the R&R, and the time to object has passed. Because Defendant did not file any objections to the Magistrate Judge's recommendation, the Court has reviewed the R&R to determine whether it is clearly erroneous or contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). After such review, the Court finds that Magistrate Judge Chestney's recommendation should be accepted.

Accordingly, it is **ORDERED** that Magistrate Judge Chestney's R&R (Dkt. No. 95) is **ACCEPTED**. It is further **ORDERED** that, for the reasons set forth in the R&R, Defendant's Motion to Dismiss Indictment (Dkt. No. 55) is **DENIED**.

It is so ORDERED.

SIGNED this 28 day of July, 2023.

Shurp

ORLANDO L. GARCIA
United States District Judge